UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,445	09/29/2000	Ronald R. Martinsen	2710	4420

7590   06/14/2004

LAW OFFICES OF ALBERT S. MICHALIK, PLLC
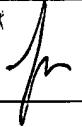704 228th AVENUE NE
SUITE 193
SAMMAMISH,, WA 98074

EXAMINER
NGUYEN, NHON D

ART UNIT	PAPER NUMBER
2174	12

DATE MAILED: 06/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.		Applicant(s)	
Office Action Summary	09/677,445		MARTINSEN ET AL.	
	Examiner		Art Unit	
	Nhon (Gary) D Nguyen		2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *01 April 2004*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-29* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-29* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1. This communication is responsive to Amendment A, filed 04/01/2004.

2. Claims 1-29 are pending in this application. Claims 1, 18, 24, 25, and 29 are independent

claims. This action is made final.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
patent by another filed in the United States before the invention by the applicant for patent, except that an
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
subsection of an application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Guthrie (US

6,266,681).

As per independent claim 1. Guthrie teaches in a computer system, a method comprising:

interpreting a page, the page comprising:

an import instruction that references a behavior component, an element linked to the

behavior component; (col. 5, lines 14-18 and lines 33-34); and

determining a behavior of the element on the page by instantiating the behavior

component in accordance with the import instruction prior to interpreting the element (col. 5,

lines 26-29).

As per claim 2, which is dependent on claim 1, it is inherent in Guthrie's HTML/Web system that the element is must be associated with a namespace in the page.

As per claim 3, which is dependent on claim 2, Guthrie teaches wherein the behavior component comprises a name for creating a custom element that may be linked to the behavior component, and wherein a syntax for the element comprises a reference to the name (col. 13, line 16 – col. 14. line 17).

As per claim 4, which is dependent on claim 3, it is inherent in Guthrie's HTLL/Web system that the syntax for the element further comprises a reference to the namespace.

As per claim 5, which is dependent on claim 1, Guthrie teaches the behavior component comprises a name or creating a custom element that may be linked to the behavior component, and wherein a syntax for the element comprises a reference to the name (col. 13, line 16 – col. 14. line 17).

As per claim 6, which is dependent on claim 1, since the behavior component, which is injected into the HTML code, is written in Javascript, it is inherent in Guthrie's system that the behavior component is instantiated in accordance with a thread, and wherein the import instruction causes at one other thread to cease while instantiating the behavior component (col. 4, lines 1-2).

As per claims 7 and 8, which are dependent on claims 1 and 7, Guthrie teaches binding the element to the behavior component and wherein the element is bound synchronously to the behavior component (col. 5, lines 35-58).

As per claim 9, which is dependent on claim 1, Guthrie teaches the behavior component comprises content, and wherein instantiating the behavior component comprises inserting the content into the page (col. 6, lines 29-40).

As per claim 10, which is dependent on claim 9, Guthrie teaches interpreting the page comprises creating a document structure, wherein instantiating the behavior component comprises creating a document fragment including content, and wherein inserting the content into the page comprises inserting the document fragment into the document structure (col. 6, line 41 – col. 7, line 19).

As per claim 11, which is dependent on claim 1, it is rejected under the same rationale as claim 10.

As per claim 12, which is dependent on claim 1, Guthrie teaches interpreting the page comprises creating a document structure, and wherein instantiating the behavior component comprises, creating a document fragment; and maintaining the document fragment separate from the document structure (col. 6, line 41 – col. 7, line 19).

As per claim 13, which is dependent on claim 12, it is inherent in Guthrie's system that the element comprises a pointer to the document fragment.

As per claims 14 and 15, which are dependent on claims 13 and 14 respectively, Guthrie teaches the document fragment comprises content, and wherein interpreting the page comprises inserting the content into the page, wherein inserting the content into the page comprises inserting the content into the position of the element in the page (col. 6, lines 25-40).

As per claim 16, which is dependent on claim 1, Guthrie teaches the behavior component comprises script (col. 4, lines 1-2).

As per claim 17, which is dependent on claim 16, Guthrie teaches the behavior component comprises an HTC file (col. 6, lines 41-48).

As per independent claim 18, it is rejected under the same rationale as claims 1 and 12.

As per claim 19, which is dependent on claim 18, it is rejected under the same rationale as claim 13.

As per claim 20, which is dependent on claim 19, Guthrie teaches the interpreting the page comprises applying a behavior of the behavior component to the element (col. 5, lines 25-34).

As per claim 21, which is dependent on claim 19, it is rejected under the same rationale as claim 14.

As per claim 22, which is dependent on claim 21, it is rejected under the same rationale as claim 15.

As per claim 23, which is dependent on claim 18, it is rejected under the same rationale as claim 14.

As per independent claim 24, Guthrie teaches a computer-readable medium having computer executable instructions, comprising:

linking an element placed in a page to a behavior component, the behavior component including content therein; interpreting the page to form a document structure (col. 5, lines 14-18 and lines 33-34);

when interpreting the element, instantiating the behavior component to determine a behavior of the element on the page, the behavior including a pointer to the content (col. 5, lines 26-29);

instantiating the behavior component to create a document fragment, the document fragment maintained separately from the document structure (col. 6, line 41 – col. 7, line 19);

accessing the content via the pointer; and inserting the content into a representation of the page (col. 6, lines 25-40).

As per independent claim 25, Guthrie teaches a computer-readable medium having computer executable components comprising:

a behavior component (col. 5, line 14-18 and line 34);

an import instruction component in a page, the import instruction configured to call for instantiation of the behavior component during a parsing of the page and further configured to associate the behavior component with the page (col. 5, lines 14-18 and lines 33-34, and col. 8, lines 9-34);

an element in the page that is defined by a behavior of the behavior component and configured such that, during the parsing of the page, the element binds with the behavior component and applies the behavior (col. 5, lines 26-29, and col. 8, lines 9-34).

As per claim 26, which is dependent on claim 25, it is inherent in Guthrie's system that the behavior component comprises an instruction component configured such that during the parsing of the page, static content within the element is not parsed.

As per claims 27 and 28, which are dependent on claims 26 and 27 respectively, Guthrie teaches an executable file for accessing the content within the element, wherein the executable file comprises scripts (col. 11, lines 1-30).

As per independent claim 29, Guthrie teaches a computer-readable medium having computer-executable instructions comprising:

interpreting a page, the page comprising an instantiation instruction that calls for

instantiation of a behavior component, the behavior component comprising a parsing instruction

(col. 5, lines 14-18 and lines 33-34, and col. 8, lines 9-34); and

instantiating the behavior component in accordance with the instantiation instruction, the

instantiation precluded by the parsing instruction from parsing static content in the behavior

component (col. 5, lines 26-29, and col. 8, lines 9-34).

Response to Arguments

5.   Applicant's arguments filed 04/01/2004 have been fully considered but they are not

persuasive.

Applicants argued the following:

(a) As per claim 1, Guthrie does not teach or even suggest interpreting a page wherein the

page comprises an import instruction that references a behavior component and an element

linked to the behavior component.

(b) As per claim 9, Guthrie cannot possibly be construed to teach a behavior component

that, when instantiated, inserts code.

(c) Claim 18 recites maintaining both a document fragment and a document structure,

neither of which are disclosed by Guthrie as Guthrie teaches that a single web page is simply

passed on to a browser for rendering.

(d) Claim 24 recites accessing the content via the pointer, and inserting the content into a

representation of the page, neither of which are disclosed by Guthrie as Guthrie teaches that a

single web page is simply passed on to a browser for rendering.

(e) As per claim 25, Guthrie does not teach the specific kind of component called a behavior component that may be instantiated in a web page. Thus, Guthrie cannot possibly be construed to teach that, during the parsing of the page, the element binds with the behavior component and applies the behavior.

(f) As per claim 29, Guthrie does not teach the specific kind of component called a behavior component that may be instantiated in a web page. Thus, Guthrie cannot possibly be construed to teach a page comprising an instantiation instruction that calls for instantiation of a behavior component.

The Examiner disagrees for the following reasons:

(a) The Guthrie reference, in fact, still reads on the claimed language of claim 1. Injected code (or injected component at col. 5, lines 17-18) in each HTML document that causes additional behavior to appear (col. 5, lines 25) clearly teaches "an import instruction" within a page "that references a behavior component". Buttons 310 of the injected component 305 of fig. 3 (col. 5, lines 42-47) are "elements linked to the behavior component". Furthermore, by instantiating the behavior component 305 to the HTML page, in accordance with the instruction from the injected component code, before displaying the elements 310 (col. 5, lines 42-51), Guthrie clearly teaches "determining a behavior of the element on the page by instantiating the behavior component in accordance with the import instruction prior to interpreting the element".

(b) Claim 9 only states, "the behavior component comprises content, and wherein instantiating the behavior component comprises inserting the content into the page". This is taught by Guthrie at col. 6, lines 25-31, in which the behavior component is injected into the

HTML document to insert the content into the HTML page after the behavior component is instantiated.

(c) By maintaining both injected behavior component 305 and the preexisting frames 306, 307, and 308 in the HTML document (fig. 3; col. 5, lines 42-47), Guthrie does teach "maintaining both a document fragment and a document structure".

(d) It is clearly that the behavior component 305 of fig. 3 is inserted into the HTML document as the content of the HTML page displayed as buttons 310 of fig. 3, and it is inherent that the behavior component must include a pointer to the content in order to display it.

(e) Guthrie does teach the specific kind of component called a behavior component that may be instantiated in a web page at col. 6, lines 46-48. Moreover, Guthrie does teach "during the parsing of the page, the element binds with the behavior component and applies the behavior" at col. 5, lines 26-29 and col. 8, lines 9-34.

(f) Guthrie does teach the specific kind of component called a behavior component that may be instantiated in a web page at col. 6, lines 46-48. Moreover, Guthie does teach a page comprising an instantiation instruction that calls for instantiation of a behavior component at col. 5, lines 14-18 and 33-34, and col. 8, lines 9-34.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Inquiries

7. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nhon (Gary) D Nguyen whose telephone number is 703-305-

8318. The examiner can normally be reached on Monday - Friday from 8 AM to 5:30 PM with

every other Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kristine L Kincaid can be reached on 703-308-0640. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nhon (Gary) Nguyen
June 8, 2004

Kristine Kincaid
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